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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE OPELOUSAS DIVISION

MICHAEL G. FLASH, ET. AL.

CIVIL ACTION NO. 07-1522

VERSUS

JUDGE MELANÇON

CONTINENTAL AIRLINES, INC., ET. AL. MAGISTRATE JUDGE METHVIN

**ORDER**

Before the Court are plaintiffs' Motion to Remand [Rec. Doc. 12] and defendants' Memorandum in Opposition [Rec. Doc. 17] and Supplemental Memorandum in Opposition [Rec. Doc. 26] thereto. In their motion, plaintiffs allege that this Court lacks jurisdiction under 28 U.S.C. §1332 as the parties are not diverse. Specifically, plaintiffs suggest that the Court should consider the alleged Louisiana citizenship of the "Unknown pilots" named in the complaint [Rec. Doc. 1-1]. As plaintiffs are Louisiana citizens, the Court allegedly lacks jurisdiction in this matter.

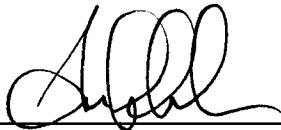
As a general rule, for the purposes of removal, ". . . the citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C. §1441(a). However, plaintiffs argue that because the "Unknown pilots" were described in the complaint ". . . in such a way that their identity cannot reasonably be questioned," the alleged citizenship of the "Unknown pilots" should be considered in determining whether the Court has jurisdiction. *Plaintiff's Brief in Opposition to Removal* [Rec. Doc. 12-2], pg. 5.

After the plaintiffs' filed their Motion to Remand, defendants, pursuant to an

Order issued by United States Magistrate Judge Mildred Methvin [Rec. Doc. 22], provided plaintiffs with the actual names and citizenship of the "Unknown pilots." *Defendants' Supplemental Memorandum in Opposition to Remand* [Rec. Doc. 26], pg. 2-3. According to the responses to interrogatories, the "Unknown pilots" are citizens of Nevada and Florida, and, as such, are diverse in citizenship from the Louisiana plaintiffs. *Id.* As complete diversity exists and the undisputed amount in controversy exceeds \$75,000, exclusive of interest and costs, this Court has jurisdiction pursuant to 28 U.S.C. §1332. Accordingly, it is

**ORDERED** that plaintiffs' Motion to Remand [Rec. Doc. 12] is **DENIED**.

**THUS DONE AND SIGNED** this 20<sup>th</sup> day of December, 2007 at Lafayette, Louisiana.

A handwritten signature in black ink, appearing to read "Tucker L. Melançon", is written over a horizontal line.

Tucker L. Melançon  
United States District Judge